

Senate Study Bill 3227

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the review or redissemination of data or
2 information about the commission of a crime.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5379DP 81
5 jm/sh/8

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1 1 Section 1. Section 692.2, subsection 1, paragraph b,
1 2 subparagraph (4), Code 2005, is amended by striking the
1 3 subparagraph.
1 4 Sec. 2. Section 692.2, Code 2005, is amended by adding the
1 5 following new subsection:
1 6 NEW SUBSECTION. 1A. The department may provide copies or
1 7 communicate information regarding deferred judgment
1 8 information upon receipt of official notification of the
1 9 successful completion of probation following a deferred
1 10 judgment. Deferred judgment information regarding the person
1 11 who successfully completed the probation shall only be
1 12 disseminated by the department to a criminal or juvenile
1 13 justice agency, to the person who is the subject of the
1 14 deferred judgment information or the person's attorney, or to
1 15 another person with a signed release from the person who is
1 16 the subject of the deferred judgment information authorizing
1 17 the requesting person access to the criminal history data, or
1 18 for any other purpose required by law. Deferred judgment
1 19 information shall be retained by the department for the
1 20 purpose of complying with this subsection and for any other
1 21 purpose required by law.
1 22 Sec. 3. NEW SECTION. 692.3 REDISSEMINATION OF ARREST
1 23 DATA AND OTHER INFORMATION.
1 24 A criminal or juvenile justice agency may redisseminate
1 25 arrest data, and the name, photograph, physical description,
1 26 and other identifying information concerning a person who is
1 27 wanted or being sought if a warrant for the arrest of that
1 28 person has been issued. Information relating to any threat
1 29 the person may pose to the public may also be redisseminated.
1 30 The information may be redisseminated through any written,
1 31 audio, or visual means utilized by a criminal or juvenile
1 32 justice agency. Any redissemination of information pursuant
1 33 to this section shall also include the statement provided in
1 34 section 692.2, subsection 1, paragraph "b", subparagraph (5).
1 35 Sec. 4. Section 692.6, Code 2005, is amended to read as
2 1 follows:
2 2 692.6 CIVIL REMEDY.
2 3 Any person may institute a civil action for damages under
2 4 chapter 669 or 670 or to restrain the dissemination of the
2 5 person's criminal history data or intelligence data in
2 6 violation of this chapter, ~~and any person, agency or~~
~~2 7 governmental body proven to have disseminated or to have~~
~~2 8 requested and received criminal history data or intelligence~~
~~2 9 data in violation of this chapter shall be liable for actual~~
~~2 10 damages and exemplary damages for each violation and shall be~~
~~2 11 liable for court costs, expenses and reasonable attorneys'~~
~~2 12 fees incurred by the party bringing the action. In no case~~
~~2 13 shall the award for damages be less than one hundred dollars.~~
2 14 Sec. 5. Section 692.16, Code 2005, is amended to read as
2 15 follows:
2 16 692.16 REVIEW AND REMOVAL.
2 17 At least every year the bureau shall review and determine

2 18 current status of all Iowa arrests or takings into custody
2 19 reported, which are at least ~~one year~~ four years old with no
2 20 disposition data. Any Iowa arrest or taking of a juvenile
2 21 into custody recorded within a computer data storage system
2 22 which has no disposition data after four years shall be
2 23 removed unless there is an outstanding arrest warrant or
2 24 detainer on such charge.

2 25 Sec. 6. Section 907.4, Code 2005, is amended to read as
2 26 follows:

2 27 907.4 DEFERRED JUDGMENT DOCKET.

2 28 1. A deferment of judgment under section 907.3 shall be
2 29 entered promptly by the clerk of the district court, or the
2 30 clerk's designee, into the deferred judgment database of the
2 31 state, which shall serve as the deferred judgment docket. The
2 32 docket shall contain a permanent record of the deferred
2 33 judgment including the name and date of birth of the
2 34 defendant, the district court docket number, the nature of the
2 35 offense, and the date of the deferred judgment. Before
3 1 granting deferred judgment in any case, the court shall search
3 2 the deferred judgment docket and shall consider any prior
3 3 record of a deferred judgment against the defendant. The
3 4 permanent record provided for in this section is a
3 5 confidential record exempted from public access under section
3 6 22.7 and shall be available only to justices of the supreme
3 7 court, judges of the court of appeals, district judges,
3 8 district associate judges, judicial magistrates, clerks of the
3 9 district court, judicial district departments of correctional
3 10 services, county attorneys, and the department of corrections
3 11 requesting information pursuant to this section, or the
3 12 designee of a justice, judge, magistrate, clerk, judicial
3 13 district department of correctional services, or county
3 14 attorney, or department.

3 15 2. Notwithstanding subsection 1, deferred judgment
3 16 information may be disclosed by the department of public
3 17 safety as provided in section 692.2, subsection 1A.

3 18 EXPLANATION

3 19 This bill relates to the review or redissemination of data
3 20 or information about the commission of a crime.

3 21 The bill specifies that the department of public safety may
3 22 disseminate deferred judgment information, after successful
3 23 completion of probation, to the following agencies or persons:
3 24 a criminal or juvenile justice agency; the person who is the
3 25 subject of the deferred judgment information or the person's
3 26 attorney; or another person with a signed release from the
3 27 person who is the subject of the deferred judgment information
3 28 authorizing the requesting person access to the criminal
3 29 history data; or for any other purpose required by law.

3 30 The bill provides that a criminal or juvenile justice
3 31 agency may redisseminate department of public safety arrest
3 32 data, and the name, photograph, physical description, and
3 33 other identifying information concerning a person who is
3 34 wanted or being sought if a warrant for the arrest of that
3 35 person has been issued. Information relating to any threat
4 1 the person may pose to the public may also be redisseminated
4 2 under the bill.

4 3 The bill eliminates specific statutory damages that may be
4 4 awarded to a person who brings a civil suit under Code chapter
4 5 669 (state tort claims), or Code chapter 670 (tort liability
4 6 of governmental subdivisions), or to restrain the
4 7 dissemination of the person's criminal history data or
4 8 intelligence data in violation of Code chapter 692.

4 9 The bill provides that the department of public safety
4 10 shall annually review all arrests or takings into custody
4 11 which are at least four years old with no disposition data.
4 12 Current law provides the department shall annually review all
4 13 arrests or takings into custody which are at least one year
4 14 old with no disposition data.

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